



September 7, 1999

Mr. John S. Schneider, Jr.
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR99-2488

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127535.

The Municipal Court Clerk of the City of Pasadena (the "court") received a request for information related to defendants who failed to appear at their appointed court date on a specified day. You claim that, pursuant to Government Code section 552.003(1)(B), the court is not a "governmental body" whose records are subject to disclosure under chapter 552 of the Government Code, and thus, the requested information is not subject to public disclosure under chapter 552 of the Government Code. We have considered your argument.


The Public Information Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Open Records Decision No. 25 (1974). *See also* Gov't Code § 552.003(1)(B) (excluding judiciary from definition of "governmental body"). The provisions of the Public Information Act are inapplicable to records that are held by the judiciary. Consequently, you need not release the requested records under the Public Information Act. However, as records of the judiciary, the information may be made public by other sources of law. Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974); *see Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released). Additionally, the records may be subject to disclosure under statutory law governing municipal courts. *See* Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); *id.* § 29.007(f)

(municipal court clerks shall perform duties prescribed by law for county court clerk); Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order).

Also, note that copies of records that have been filed with a court are not excepted from required public disclosure when held by a governmental official who does not hold those copies as an agent of the court. *Cf.* Open Records Decision No. 513 (1988) (evidentiary information held by district attorney not judicial record merely because information submitted to grand jury); *see also* Gov't Code § 552.022(17) (making "information that is also contained in a public court record" "public information"). Consequently, to the extent that copies of the records at issue are held by any city employee who is not acting as an agent of the court, those records are subject to the Public Information Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 127535

cc: Mr. Vincent Rodriguez
James Bonds Bail Bond Company
3229 Houston Avenue
Houston, Texas 77009